

Appl. No. 09/452,952
Amendment dated July 7, 2005
Reply to Office Action of February 25, 2005

Remarks

Reconsideration is respectfully requested in light of the forgoing amendments and remarks which follow.

Claims 1, 3-4, 6-9, 11-12 and 14 are pending in the application. Claim 2, 5, 10 and 13 have been cancelled. The subject matter of these claims has been incorporated into amended claim 1. Claim 14 has been amended to track with claim 1.

Rejection under 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C §112, second paragraph, as failing to particularly point out and distinctly claim the invention. Applicants respectfully traverse.

The phrase "or the like" has been replaced with –other computer network–.

Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (U.S. Patent No. 6,578,203). Applicants respectfully traverse.

Claim 1 and 14 have been amended to further distinguish over the teachings of Anderson et al. As amended, the claims require the use of a pay-per-view television system, the Internet or other computer network as a transmission mode and the use of a single or split television or monitor screen as a display mode, based on viewer's selection of a single participant or participant group.

Anderson et al. make no mention of a pay-per-view television system, the Internet or other similar computer network nor does Anderson et al. mention the use of the race participant's view being displayed on a split television or monitor screen, based on viewer selection of a single participant or participant group.

Accordingly, withdrawal of the rejection is believed to be in order and is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1, 4-6, 10 and 12-14 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,600,368 to Matthews ("Matthews") in view of a NASCAR video game manual from Papyrus Design Group ("Papyrus").

Here, claim 1 has been amended to include the limitations of claims 2 and thereby avoids the teachings of each of the references, whether taken alone or in combination.

Withdrawal of the rejection is respectfully requested as to the amended claims.

Claims 2, 3, 7-9 and 11 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Matthews in view of the Papyrus and U.S. Patent No. 5,894,320 to Vancelette ("Vancelette").

The claimed invention resides in part in the broadcast of a racing event from the perspective of an individual race participant. The broadcast is over the Internet or a pay for view broadcast network or a computer network where the viewer can individually select the desired participant's view of the race. If desired, the viewer can in addition view a broadcast channels telecast of the racing event along with the selection of one or more race participant's view of the race. The display of this multi-image real-time event would be on a split television or monitor screen. The viewers are not necessarily in a stadium but can be at any venue associated with the Internet or that has access to cable or satellite broadcast.

The applied references, individually or in combination, are not directed to a broadcast of a racing event where the viewer selects a view of an ongoing race from the selected the racer's vantage point which varies over the time of the race in terms of the racer's current position in the race. The broadcast is direct and provides a real image, not a synthesized one. The references do not recognize, taken alone or in combination, the concept present in the invention, as claimed. The

applied references merely reflect technologies existing at the time. Their combination, even if proper, would not arrive at the invention as now claimed.

Matthews teaches interactive viewer control of camera viewpoints placed in multiple positions in a sporting contest. All of the cameras are aimed at a player position or field area. The viewer must constantly switch camera position channels in order to follow a contest. (see Matthews, col. 4, lines 50-62). Matthews also discloses a directional keypad on a remote control handset which the viewer uses for switching between the different camera viewpoints. This is not a real time broadcast from the constantly changing position of an individual racer.

The secondary reference, Papyrus, does not remedy the situation. It is not directed to the field of sportscast broadcasting. It is an "arcade game" manual. It does mention the use of "film clips" obtained from previous racing events but this is certainly not a real time broadcast of an ongoing race. This also is not a cable or Internet broadcast. The "ins and outs" operation of NASCAR 95 is important to the average gamer but that is not relevant to the broadcaster. At issue here is not a race car simulator but rather a broadcast of an ongoing sporting event over a cable network or internet where the individual viewer is able to view a car race from the vantage point of a racer where the racer's position can change during the race. The existence of switches, leads, cameras and racing cars, etc are not at issue here but rather a broadcast concept which makes use of existing technology to provide the viewing public with a new benefit. This broadcast concept is not suggested by the references, individually or together.

It is noted that a Panel of the Board of Patent Appeals and Interferences has previously considered rejections similar in rationale to that proposed here and found it lacking. The Panel requested that the Examiner find better evidentiary support. A car race gaming manual is probably not what the Panel had in mind.

The deficiencies of the Matthews-Papyrus combination are discussed above. It is not seen how the inclusion of Vancelette enhances the combination in terms of the enumerated deficiencies. Vancelette does not teach or suggest a camera positioning which permits the broadcast of a race participant's view of an ongoing race where the racer's position changes or can change. Vancelette

Appl. No. 09/452,952

Amendment dated July 7, 2005

Reply to Office Action of February 25, 2005

does not teach the individual viewer's selection of a video camera positioned on a race participant so that a participating racer's view of the ongoing race can be seen.

As an aside, since it appears that the Anderson et al. has been adjudged to be an advance in the broadcasting arts should not the instantly claimed invention also be found to be patentable over the combined teachings, all of which are not either directed to broadcasting or a broadcasting-related problem. If the Examiner has concerns regarding 35 U.S.C. 102(g) issues, should he not take appropriate action so that this can be determined?

Withdrawal of the rejection is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Appl. No. 09/452,952
Amendment dated July 7, 2005
Reply to Office Action of February 25, 2005

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1, 3-4, 6-9, 11-12 and 14 is respectfully requested.

Respectfully submitted,

Date: 7/7/05


Thomas G. Wiseman
Registration No. 35,046
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4614
Telefax: (202) 344-8300

652732v2